

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2384 – SB 2246

March 27, 2012

**SUMMARY OF AMENDMENTS (014461, 014217):** Deletes all language after the enacting clause. Replaces “civil service” with “state service” to describe executive branch employees. Replaces the “career service” category of state employees with “preferred service,” and establishes personnel procedures. Requires all supervisory personnel, while employed by the state in such a position, to be physically present in Tennessee while supervising employees unless traveling out of state for business purposes. Decreases the time required for posting a job announcement from two weeks to one. Requires the Commissioner to establish and maintain a list of eligible applicants meeting the minimum qualifications for each position. Replaces the Civil Service Commission with the Board of Appeals (Board). Specifies the composition of the Board.

Requires the appointing authority to interview at least three candidates. Creates veterans preference in the interview and hiring process. Creates an interview and hiring preference for spouses of disabled or deceased veterans in specified circumstances. Increases the probationary period to at least one year, rather than the current six months. Requires the Department of Human Resources (DOHR) to report to the State and Local Government Committees of the Senate and House of Representatives about the job evaluation system on or before July 1, 2013. Specifies the circumstances under which an appointing authority is authorized to lay off or furlough employees. Requires, for purposes of seniority as a consideration for a reduction in force, persons with veteran’s status shall have 60 months added to their total months of service. Establishes procedures for the dismissal, demotion and suspension of preferred service employees.

Authorizes the Commissioner to establish standards for performance evaluations and merit pay. Authorizes appointing authorities, upon the Commissioner’s approval, to undergo a reduction in force, furlough, or reduction of hours due to lack of funds or work, efficiency, or other material change. Adds a restriction against solicitation of political contributions in order to obtain or affect state service employment. Decreases, from 90 to 30 days, the advance notice that must be provided to an employee prior to layoff due to a reduction in force. Decreases, from 30 to 14 days, the advanced notice required when a layoff is due to a likelihood of the revenue fluctuation reserve funds (rainy day fund) falling below \$200,000,000 (currently \$100,000,000). Establishes time limits and procedures for the filing of complaints by employees and the rendering of decisions by DOHR and the Board. Establishes time limits for the appeals process. Authorizes the Governor to remove a member of the Board for cause. Requires hearings to be held before a three-member panel of the Board. Requires the Board to render a final decision within 120 days of the filing of the complaint. Authorizes the Commissioner to enter into agreements with local governments to provide services in the administration of personnel, for which local governments

will reimburse the state. Creates a Class C misdemeanor for any state officer or employee who violates any of the above provisions.

Requires the Department of Children's Services (DCS) to maintain in the eastern grand division, a youth development center for youths with adult sentences, serious delinquent offenses, and who are serving a third commitment or have exhibited severe behavior problems at another youth development center. Requires the center to have a school providing specified training and located in a rural area. Authorizes the school to use mace or other such chemical agents to protect the staff and youths in the center.

#### FISCAL IMPACT OF ORIGINAL BILL:

Decrease State Expenditures – \$400

Other Fiscal Impact – The decrease in state expenditures resulting from one state employee being laid off is approximately \$7,900. Any future decrease in state expenditures is dependent upon the number of employees laid off in any given year. As a result, this impact cannot be quantified with reasonable certainty.

#### FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:

**Increase State Expenditures - \$11,682,700**

**Other Fiscal Impact – The decrease in state expenditures resulting from one state employee being laid off is approximately \$7,900. Any future decrease in state expenditures is dependent upon the number of employees laid off in any given year. As a result, this impact cannot be quantified with reasonable certainty.**

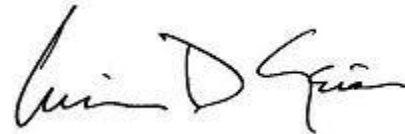
Assumptions applied to amendments:

- According to DOHR, the number of Board members remains the same.
- The average state employee salary is \$3,958 per month. Currently, the state gives each laid off employee three months notice, resulting in average state expenditures of \$11,874 (\$3,958 salary x 3 months) per employee.
- Decreasing the notice period from three months to one month will decrease state expenditures by approximately \$7,916 (\$3,958 salary x 2 months) per employee.
- The number of state employees that will be laid off in the future is unknown and dependent upon several unknown factors such as the extent of future revenue collections, and the extent of future departmental appropriations received by the various state departments and agencies. Given these unknowns, the total decrease in state expenditures cannot be quantified with reasonable certainty.
- According to DOHR, no departmental responsibilities will be affected by the transfer of current civil service employees into the preferred service.

- Departments currently have a designee to hear due process grievances. DOHR assumes the same designee will hear appeals on behalf of the Department.
- According to DOHR, requiring the final decision of appeals to be rendered within 120 days codifies current practice.
- There will not be a sufficient number of prosecutions for state or local government to experience any significant increase in revenue or expenditures.
- The youth center referenced by the bill is the Taft Youth Development Center (TYDC).
- According to the Department of Children's Services, the TYDC operates on a current budget of \$11,682,700. This amount is funded 100 percent through state funds.
- TYDC is scheduled to close June 30, 2012. The Governor's recommended budget for FY12-13 does not include funding for the TYDC.

### **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

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